IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

)
) No. C 08-0756 CRB (PR)
ORDER OF DISMISSAL WITH LEAVE TO AMEND
) _)

Plaintiff, a prisoner at San Quentin State Prison, has filed a pro se civil rights complaint for damages under 42 U.S.C. § 1983 against the County of Butte, Butte County superior court, Butte County sheriff's office and Napa State Hospital. The complaint in unsigned and devoid of any specific facts, however.

DISCUSSION

A. Standard of Review

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint "is frivolous, malicious, or fails to state a claim upon which relief may be granted," or "seeks monetary relief from a defendant who is immune from such relief." <u>Id.</u> § 1915A(b). Pro se pleadings must be liberally construed, however. <u>Balistreri v. Pacifica Police Dep't</u>, 901 F.2d 696, 699 (9th Cir. 1990).

To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law. West v. Atkins, 487 U.S. 42, 48 (1988).

В. Legal Claims

In order to state a claim for damages under § 1983, a plaintiff must allege specific facts showing how each named defendant actually and proximately caused the deprivation of a federally protected right. See Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988). Plaintiff has not done so. Nor has he signed his complaint. See Fed. R. Civ. P. 11(a).

CONCLUSION

For the foregoing reasons, the complaint is dismissed with leave to amend, as indicated above, within 30 days of this order. The pleading must be simple and concise and must include the caption and civil case number used in this order and the words FIRST AMENDED COMPLAINT on the first page. Failure to file a proper amended complaint within the designated time will result in the dismissal of this action.

Plaintiff is advised that the amended complaint will supersede the original complaint and all other pleadings. Claims and defendants not included in the amended complaint will not be considered by the court. See King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987).

SO ORDERED.

DATED: <u>June 23, 2008</u>

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United States District Judge

UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF CALIFORNIA

MARK E ODELL,	Case Number: CV08-00756 CRB
Plaintiff,	CERTIFICATE OF SERVICE
v.	
COUNTY OF BUTTE et al,	
Defendant.	

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 23, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Mark Evan Odell F-06395 CDCR San Quentin State Prison San Quentin, CA 94964

Dated: June 23, 2008

Richard W. Wieking, Clerk By: Barbara Espinoza, Deputy Clerk